

In re Patent Application of:
PAVEL SEBOR
Serial No. 10/621,070
Filing Date: 7/16/2003

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts and guidance in the examination of this examination, for the Allowance of Claims 1-37, and the allowability of Claim 51. Claims 1-54 remain in the case. Claims 38-43, 46-50, and 52-54 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 6,122,794 to Atkins. Claims 38-45, 48, and 52-54 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 5,465,443 to Rice et al. With regard to the rejection, reconsideration is respectfully requested based on the arguments herein presented in support of the claims remaining in the case where the prior art has neither disclosed nor suggested a solution to problems well known in the art.

The Examiner is asked to consider that a prior art reference anticipates a claim if the reference discloses expressly or inherently all the elements and limitations of the claim. Neither Atkins '794 nor Rice '443 identically discloses the claimed invention of Claim 38. By way of example, and with reference to Col 3, Lines 6-8 of Atkins '794, the disc (2) is described as having a serrated edge (15) and short upstanding and outwardly projecting fins (16). As is well known in the art, and as described in Atkins '794 (Col. 2, beginning Line 53), the disk (2) is flexible. The Atkins '794 drawings must therefore be interpreted as teaching the peripheral edge of the disk contacting the surface to be cleaned in operation, with the fins (16) being relied upon (see cross-sectional view of

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FIG. 2, by way of example) to slide over obstacles encountered during movement of the pool cleaner over the surface to be cleaned. Such is also the teaching of Rice '443 having disc (104) and fins (136) illustrated, by way of example in FIG. 9. It is only after the teachings of the Applicant that one could read into the teaching of the prior art: a flexible plate (disk) having a peripheral portion including a plurality of tongues extending outwardly thereabout, wherein each of the plurality of tongues includes a lower surface portion for contacting the surface to be cleaned and a portion in a spaced relation with the surface to be cleaned during operation of the apparatus, thus upwardly lifting an outer most periphery of the plate from the surface to be cleaned.

By way of further argument, and as identified in Claim 41 depending from Claim 38, ribs are integrally formed with the flexible plate for upwardly contouring the periphery thereof from the surface to be cleaned with the rib extending outwardly while confined within the peripheral portion of the flexible plate. Both Atkins '794 and Rice '443 teach fins extending beyond the periphery of the disk, as emphasized in Atkins '794 by calling for the fins to extend for apices of the serrations (see Col 3, Line 7). Yet further, Rice '443 teaches that the disc may additionally include fins (see Col 5, Line 5). The fins of Atkins '794 and Rice '443 are clearly elements added to the disk and should not be considered as part of the disk.

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Respectfully, Applicant and the undersigned submit that neither Atkins '794 nor Rice '443 is a proper reference under 35 USC §102(b) for they do not identically disclose nor do they describe the claimed invention. Applicant therefore request that the rejection under 35 USC §102(b) of claims 38-50 and 52-54 be retracted.

Applicant respectfully submits that all the claims remaining in the case are in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for his efforts in the examination of this application and for reconsideration of the claims in light of the arguments presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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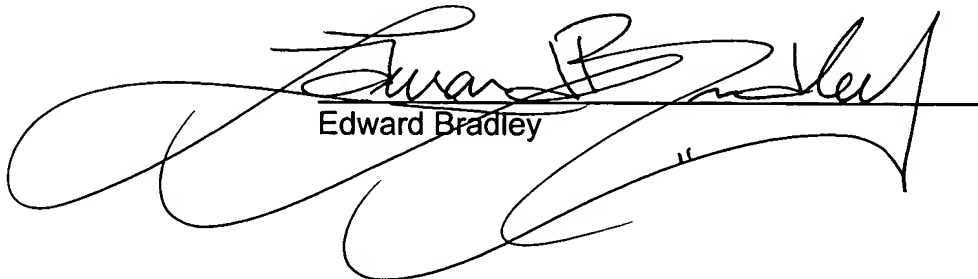
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CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 15th day of December, 2004.


Edward Bradley